

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

MARK H. FADLEVICH,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

-----X

STIPULATION AND  
ORDER OF REMAND

Civil Action  
CV-15-6943

(Mauskopf, J.)

IT IS HEREBY STIPULATED AND AGREED by and between plaintiff *pro se*, MARK H. FADLEVICH, and counsel for the defendant, CAROLYN W. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY ("the Commissioner"), that pursuant to the fourth sentence of 42 U.S.C. § 405(g), which is made applicable to Supplemental Security Income (SSI) claims by 42 U.S.C. § 1383(c)(3), the Commissioner's decision dated April 28, 2015 is reversed, and plaintiff's claims for Disability Insurance benefits filed on January 29, 2014 and SSI filed on January 6, 2015 are remanded for further administrative proceedings. On remand, the Appeals Council will instruct the Administrative Law Judge to (1) further develop the record and attempt to obtain the plaintiff's medical records from the treating sources Dr. J. Patrick Stuebgen, Dr. Lauren Stossel, and Dr. Andrew Edelstein; (2) re-assess the plaintiff's migraine and mental impairments; (3) re-evaluate the opinion evidence from Drs. Stuebgen and Safdieh; (4) offer plaintiff the opportunity for a hearing; (5) take further action to complete the administrative record resolving the above issues; and (6) issue a new decision.

The Clerk of the Court shall enter judgment in this case once this Stipulation and Order has been signed and so ordered by the Court.

Dated: Astoria, New York  
December 22, 2016

/s/ Mark H. Fadlevich  
MARK H. FADLEVICH  
*Pro Se Plaintiff*  
30-78 34<sup>th</sup> Street, Apt. 4F  
Astoria, New York 11103  
(205) 422-1818

Dated: Brooklyn, New York  
December 21, 2016

ROBERT L. CAPERS  
United States Attorney  
Eastern District of New York  
Attorney for Defendant  
271 Cadman Plaza East, 7<sup>th</sup> Floor  
Brooklyn, New York 11201

By: /s/ Sean P. Greene  
SEAN P. GREENE  
Assistant United States Attorney  
(718) 254-6484  
[sean.greene@usdoj.gov](mailto:sean.greene@usdoj.gov)

SO ORDERED:

s/Roslynn R. Mauskopf

12/28/16

HONORABLE ROSLYNN R. MAUSKOPF  
UNITED STATES DISTRICT JUDGE